

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION
CASE NO. 7:22-cv-03738-TMC-KFM

4 Kelly Dawsey ,

5 Plaintiff,

6 || vs.

7 Bayerische Motoren Werke
8 Aktiengesellschaft and BMW
9 Manufacturing Co., LLC,
10 collectively d/b/a "BMW Group",

Defendants .

DEPOSITION OF EVA BURGMEIER

DATE TAKEN: January 10, 2024

TIME BEGAN: 9:58 a.m.

TIME ENDED: 3:19 p.m.

LOCATION: Jackson Lewis, PC
15 South Main Street, Suite 700
Greenville, South Carolina 29601

REPORTED BY: Traci L. Barr, RPR

EXPEDITE COURT REPORTING, LLC
Traci L. Barr & Associates
Post Office Box 25882
Greenville, South Carolina 29616
info@expeditereporting.com
(864) 509-0914

1 APPEARANCES:

2
3 BRIAN P. MURPHY, ESQUIRE
4 Stephenson & Murphy, LLC
5 207 Whitsett Street
6 Greenville, South Carolina 29601
7 Brian@stephensonmurphy.com
8 (864) 370-9400

9 On behalf of the Plaintiff

10 D. RANDLE MOODY, II, ESQUIRE
11 Jackson Lewis, LLP
12 15 South Main Street, Suite 700
13 Greenville, South Carolina 29601
14 Randy.moody@jacksonlewis.com
15 (864) 232-7000

16 and

17 ELLISON F. McCOY, ESQUIRE
18 Jackson Lewis, PC
19 15 South Main Street
20 Suite 700
21 Greenville, South Carolina 29601
22 Mccoye@jacksonlewis.com
23 (864) 232-7000

24 On behalf of Defendant BMW Manufacturing, LLC

25 KURT M. ROZELSKY, ESQUIRE
26 Spencer Fane, LLP
27 27 Cleveland Street, Suite 201
28 Greenville, South Carolina 29601
29 Krozelksy@spencerfane.com
30 (864) 906-7694

31 On behalf of Defendant BMW AG

32 ALSO ATTENDING: Paul Lindemann, Brian Church

33

34

1 Q. Okay. When did you live in the states?

2 A. 1994, 1995.

3 Q. Okay. That was in California?

4 A. Yes.

5 Q. Did your family live here?

6 A. No. I attended high school and graduated from high
7 school in California and spent a year with a host
8 family in California. It was an American family.

9 Q. Okay. Were you what we often refer to as an
10 exchange student?

11 A. Yes.

12 Q. Okay.

13 A. I don't like the word exchange because no one
14 visited us, and so it's not really exchange. It's
15 a very one-sided way of an exchange, but yes.

16 Q. Okay. And I understand. That's a term I'm
17 familiar with, but I understand what you're saying.
18 After you graduated from high school, did you go
19 back to Germany?

20 A. Yes.

21 Q. And you're from Germany, correct?

22 A. Yes.

23 Q. All right. Other than that one year in high school
24 that you spent in the states, did you ever live in
25 the United States prior to taking the TX-60 job in

1 Spartanburg?

2 A. No, I have not.

3 Q. And is BMW the only company that you worked for?

4 A. In Germany, no, because I've worked for the German
5 Bavarian government because part of the law degree,
6 after you graduate from the university, you have
7 two years of practical service, and that's where
8 you're employed with the government.

9 Q. Okay. We'll talk about that a little bit later.
10 Other than being employed by the Bavarian
11 government, have you worked for anybody in your
12 adult life other than BMW?

13 A. No.

14 I mean, you're not counting high school jobs or
15 something, correct?

16 Q. Correct.

17 A. Okay. No. I mean, technically, I was employed by
18 the University of Regensburg while I was -- after I
19 graduated there, but that was during my practical
20 years. That's something maybe that was employer
21 that paid me, too.

22 Q. Okay. During your deposition, at any point in
23 time, if I'm asking you a question and you
24 remembered something from a prior question or you
25 want to clarify, you have every right to do that.

1 sharing, so you interact, but I am -- was not
2 responsible for any decisions outside of Munich.

3 Q. Prior to taking the TX-60 job in Spartanburg, had
4 you ever visited the United States while working
5 for BMW?

6 A. What do you mean with picking the TX-60 job?

7 Q. Taking -- you got the TX-60 job in Spartanburg
8 starting in early '22, correct?

9 A. Correct.

10 Q. Okay. Prior to that time, when you were in these
11 jobs that we just reviewed on Exhibit Number 1, did
12 you ever visit the United States?

13 A. I have visited the United States.

14 Q. Okay. As part of work or --

15 A. No. Leisure, vacation.

16 Q. Had you ever been to the Spartanburg plant before
17 you took the TX-60 job?

18 A. No. Oh, yes, on the look-and-see trip that was
19 prior to taking over the job.

20 Q. Okay. We'll go through that.

21 So you visited once before you took the position?

22 A. Exactly.

23 Q. Okay. And do you get your salary today from BMW AG
24 or from BMW MC?

25 A. From BMW MC.

1 Q. Okay. And do all of your benefits come from BMW
2 MC?

3 MR. ROZELSKY: Objection to form.

4 THE DEPONENT: I know that there are payments from AG due
5 to some tax reasons because I have to file two tax
6 reports. I'm still taxed in Germany, but I'm also
7 taxed in the US, so that's a very complex payroll
8 topic from a technical standpoint that I cannot
9 explain. That's why we have support from Ernst &
10 Young in this case to file the tax reports, but my
11 salary is paid by BMW MC because I'm employed by
12 BMW MC right now.

13 EXAMINATION RESUMED

14 BY MR. MURPHY:

15 Q. Okay. But you still pay taxes in Germany?

16 A. Yes.

17 Q. Your medical coverage, do you have any medical
18 coverage through Germany?

19 A. Yes.

20 Q. Okay.

21 A. But it is not employee provided. That's -- health
22 insurance is not employee provided in Germany.
23 It's a private decision or personal decision to
24 have health insurance and what kind of health
25 insurance you have. It has nothing to do with the

1 employer.

2 Q. Okay. Do you have any health insurance through
3 BMW MC?

4 A. No.

5 Q. Let's talk about the HR department in Spartanburg
6 today.

7 Q. Are you still in TX-60?

8 A. Yes.

9 Q. Okay. Who is in TX-61 today?

10 A. Michelle Bounds.

11 Q. And in TX-62?

12 A. Kathy Keiser.

13 Q. TX-64?

14 A. Neil Gilmore.

15 Q. TX-65?

16 A. Paul Sinanian.

17 Q. And TX-66?

18 A. Oh, sorry. Neil Gilmore is 66, and 64 is Scott
19 Medley. Sorry.

20 Q. Okay. And you are a function level III?

21 A. I am a PG11. As far as I know, the positions are
22 not graded. That's what we found out in this whole
23 process in digging in all the topics. A function
24 has never been graded, as far as I know.

25 Q. You're saying TX-60 has never been graded?

1 that none of the positions are graded?

2 A. No. They're not interested in grading at all.

3 It's only about content and structure. Grading is
4 none of their business, basically.

5 Q. So the answer is, no, you didn't tell anybody in
6 F0?

7 A. No, no, no.

8 Q. And you didn't tell anybody in the P circle?

9 A. No.

10 Q. How did you learn about the position of TX-60 in
11 Spartanburg in terms of it being an opportunity for
12 you?

13 A. Speaking about TX-60 must have been sometime end of
14 September, beginning of October, that I had a
15 discussion with Christina Petrasch that she said
16 they would have a project and need to pull Scott
17 Medley -- or want to offer this project to Scott
18 Medley opening up a position, that these positions
19 would be filled with Kelly Dawsey, leaving an open
20 position for 60, and since I was an international
21 candidate and was open for international assignment
22 with BMW wherever, she offered me the job.

23 Q. This was a phone conversation?

24 A. Yes.

25 Q. Okay. And was that phone conversation the first

1 you heard that there was an opportunity within HR
2 in Spartanburg?

3 A. No, but speaking of TX-60, yes.

4 Q. Okay. Let's back up, then.

5 When did you first have discussions with anybody
6 about a possible opening in HR in Spartanburg?

7 A. A possible opening. Early September, I had a call
8 with Dr. Engelhorn, and I had an introduction
9 meeting with him early in July just discussing that
10 I was interested in an international assignment,
11 but we did not specifically talk about options in
12 Spartanburg. We were just talking and if I would
13 be interested if some options would open up. We
14 had a follow-up meeting in September.

15 Q. A what, ma'am?

16 A. A follow-up meeting.

17 Q. A follow-up meeting. Okay.

18 A. Because then, at that time, he was already here.
19 There was a Skype meeting, and he mentioned that
20 Christina Petrasch, the HRVP at that time, would
21 end her international assignment in the next year.
22 Did not talk about specific time frame. And that
23 he favors to having a domestic local backfilling of
24 this position because we had great experience in
25 China with this structure, and if there would be an

1 opportunity -- and there might be an opportunity to
2 some changes in TX-6 themselves, if I would be
3 interested in coming over to Spartanburg. We did
4 not talk about TX-60 specifically. That was later,
5 and that was Christina mentioned, with this
6 project, pulling Kelly over to 64 and opening up
7 60.

8 Q. Okay. The follow-up meeting you had was by Skype,
9 you said?

10 A. Yes. The follow-up meeting with Dr. Engelhorn was
11 Skype.

12 Q. So he was here in Spartanburg, and you were in
13 Germany?

14 A. Yes.

15 Q. Okay. And the September meeting introduction you
16 had, where did that occur?

17 A. You mean the introduction meeting with Dr.
18 Engelhorn?

19 Q. Yes, ma'am.

20 A. That was in July. That took place at Plant Munich,
21 because he was the Plant Munich leader at the time,
22 in one of the meeting rooms close to his office.

23 Q. Okay. So Dr. Engelhorn was the Plant Munich --

24 A. Yes, plant leader Plant Munich, but it was already
25 announced that he would take over Plant Spartanburg

1 as of September 1.

2 Q. Did Dr. Engelhorn explain to you why having a
3 domestic or local employee backfill the vice
4 president position had anything to do with why he'd
5 be interested in you?

6 A. We did not -- in this July meeting, we did not talk
7 about he being interested in me or he offering me a
8 job. It was introduction meeting because I was
9 interested in an international assignment, and he
10 knew he would go to Spartanburg, and if there would
11 have been some opportunity later, it was a chance
12 to meet in person.

13 Q. Right. I understood, and I should have been more
14 clear. I was talking about the follow-up Skype
15 meeting.

16 A. Okay.

17 Q. He told you that Christina would end her
18 international assignment, and he favors to bring a
19 domestic or local to backfill the vice president
20 position.

21 Did he tell you what that had to do with interest
22 in you coming to Spartanburg?

23 A. I think it was just information, the other
24 information that there might be some changes
25 reporting to the HRVP. That was more the topic,

1 that there might be an opportunity to offer me one
2 of the positions, and he also mentioned that it's
3 quite crucial for an HR department to have someone
4 who has a very good network with all the production
5 network partners, not only AG but globally. That
6 is what I had from my past functions and
7 experiences.

8 Q. What was the word you used?

9 MR. ELLISON: Globally.

10 MR. MURPHY: Globally. Okay.

11 THE DEPONENT: Yes. So just having a good production
12 network to all the colleagues would be an asset and
13 a bridge.

EXAMINATION RESUMED

15 || BY MR. MURPHY:

16 Q. Now, in your prior positions with BMW, did you work
17 in any country other than Germany?

18 A. No.

19 Q. And you did not work in any organization other than
20 HR?

21 A. What do you mean, organization? The plant HR
22 functions report to our production board member and
23 not to HR.

24 Q. But all your jobs have been HR jobs?

25 A. Correct. That's correct. Correct.

1 MR. ELLISON: Object to the form.

2 You can answer, Eva.

3 THE DEPONENT: Yes. I talked to a lot of people
4 eventually. I mean, my family, first of all. Also
5 my manager that I reported to at that time.

6 EXAMINATION RESUMED

7 BY MR. MURPHY:

8 Q. And who was that?

9 A. Claudia Koepnick.

10 Q. Okay. Anyone else?

11 A. I mean, later, I informed my team about it,
12 obviously. Friends. Yeah. You talk to a lot of
13 people, insurance in Germany, neighbors who take
14 care of your house. You talk to hundreds of people
15 about it, basically, yes.

16 Q. You used the term a while back "international
17 candidate." What does that mean?

18 A. International candidate means that you go on a
19 temporary assignment. For example, in my case, I
20 had a BMW AG contract. I was not a US BMW
21 employee, and I took over a temporary assignment at
22 BMW MC. That's why I'm international. If someone
23 from MC takes over a position for certain time
24 frame anywhere else in a BMW entity outside of the
25 US, this would be an international as well.

1 Q. Okay. Do you have a contract with BMW MC?
2 A. No. We don't have contract at BMW MC.
3 Q. Okay. When you say a "temporary assignment," for
4 how long do you anticipate being at Spartanburg?
5 A. Overall, three years.
6 Q. When you say "overall three years," what do you
7 mean?
8 A. I mean, it's three years exactly. From 1st of
9 February 2022 until 1st of January 2025. That's
10 the time span as of now.
11 Q. And what's your plan, then, after January 31st,
12 2025?

13 MR. ELLISON: Object to the form.
14 You can answer.

15 THE DEPONENT: I don't have a plan yet. My -- my old
16 employer, BMW AG, has to take me back and offer me
17 a job. That's what they have to do, but I could
18 work outside of BMW AG as well within the BMW
19 company.

20 EXAMINATION RESUMED

21 BY MR. MURPHY:

22 Q. Okay. Why does --
23 A. I don't have a plan.
24 Q. I'm sorry. I didn't mean to interrupt you.
25 Why do you say BMW AG has to take you back?

1 A. That is part of the contract I have from BMW AG,
2 that I don't have a contract for the three years,
3 but as of 1st of February 2023, I will have a
4 BMW AG contract again.

5 Q. 2023 or 2025?

6 A. 2025. Sorry. 1st of February 2025. It's a rehire
7 guarantee.

8 Q. Okay. And you got that guarantee when you came to
9 BMW MC in 2022?

10 A. Yes.

11 Q. Did anyone within BMW talk to you about any other
12 possible jobs in Spartanburg other than TX-60?

13 A. No. We have never spoken about specific jobs.
14 Only specific job we have ever talked about was
15 TX-60.

16 Q. Who decided on the three-year length of time that
17 you would be employed at BMW MC?

18 A. I don't know.

19 Q. Were you informed of it? Did you ask for it?

20 MR. ELLISON: Object to the form.

21 You can answer, Eva.

22 THE DEPONENT: It was offered to me this way, so I didn't
23 question it.

24 EXAMINATION RESUMED

25 BY MR. MURPHY:

1 courses in American law?

2 A. No.

3 Q. At Technical University -- how do you say that last
4 way?

5 A. Kaiserslautern.

6 Q. Did you take any courses in American law?

7 A. No.

8 Q. At University Regensburg, did you take any courses
9 in human resources or personnel development in the
10 United States?

11 A. No.

12 Q. At Technical University Kaiserslautern, did you
13 take any courses in personnel development or human
14 resources in the United States?

15 A. No.

16 Q. Did you take specific law courses at University?

17 A. In Germany?

18 Q. Yes.

19 A. What do you mean with specific law courses?

20 Q. Well, I have a little bit of an understanding,
21 supposedly, how it works there, but the United
22 States, you go to undergrad, you go to a college
23 for four years, then you go to a specific law
24 school.

25 A. Okay.

with a company, labor law related, the rotation program to get experience.

3 Q. But all of these experiences relate to German law?

4 A. Correct.

5 Q. Or Bavarian law?

6 A. Correct.

7 Q. Is there a difference between Bavarian law and
8 German law?

9 A. I mean, it's overarching German law, but there are
10 very specifics. For example, what police officers
11 can do and can't do, that's a Bavarian law, for
12 example. What houses you can build, that's also
13 Bavarian law.

14 Q. All right.

15 MR. MURPHY: I think this is probably a good time for a
16 lunch break.

17 || (Recess taken.)

18 || EXAMINATION RESUMED

19 || BY MR. MURPHY:

20 Q. I'm going to ask you about a system. I believe
21 it's spelled E-R-A, the ERA system.

22 A. Yes.

23 Q. Tell us what that is, please.

24 A. The ERA system? That's the wage structure for
25 tariff functions.

1 Q. The what structure?

2 A. Wage. It has qualification requirements. So every
3 ERA -- there is ERA 1 through ERA 12, and every 1
4 through 12 has a certain requirement regarding
5 qualification, and it goes along with wage.

6 Q. Okay. And this is a system used in Germany,
7 correct?

8 A. Yes.

9 Q. Okay. And who creates the 1 through 12 levels?

10 A. The union, in an agreement with the companies that
11 are unionized. So IG Metall in this case.

12 Q. And that's the union that represents the BMW
13 employees in Germany?

14 A. The Works Council -- the elected Works Council in a
15 company represents the associates of this company,
16 not the union itself.

17 Q. Represents the associates in the company, you said?

18 A. Yes.

19 (Exhibit Numbers 2 and 3 marked for
20 identification.)

21 EXAMINATION RESUMED

22 BY MR. MURPHY:

23 Q. Ms. Burgmeier, I've put in front of you Exhibit
24 Number 2, which is BMW MC 306 through 309, and I'm
25 referring to those little numbers in the right-hand

1 Q. And do you see that the position title changed?

2 A. Yes.

3 Q. Do you know why?

4 A. No.

5 Q. Do you see that in both, the department is
6 designated as function level III?

7 A. I can see that, yes.

8 Q. Do you know where that came from?

9 A. No.

10 Q. Prior to becoming TX-60, did you have any
11 experience in maintaining knowledge or
12 understanding of US regulations?

13 A. No.

14 Q. Prior to becoming TX-60, did you have any
15 experience in maintaining current knowledge or
16 understanding of South Carolina regulations?

17 A. No.

18 Q. Prior to becoming TX-60, did you have any
19 experience in maintaining current knowledge and
20 understanding of new developments and laws
21 regarding human resources in the United States?

22 A. No.

23 Q. Prior to becoming TX-60, did you have any
24 experience in maintaining current knowledge and
25 understanding of new developments and laws

1 regarding human resources in South Carolina?

2 A. No.

3 Q. Prior to becoming TX-60, did you have any
4 experience in government and labor legal and
5 government reporting requirements for the United
6 States?

7 MR. ELLISON: Object to the form.

8 You can answer.

9 THE DEPONENT: No.

10 EXAMINATION RESUMED

11 BY MR. MURPHY:

12 Q. Prior to becoming TX-60, did you have any
13 experience in directing the preparation of
14 information requested or required for compliance
15 with United States or South Carolina laws?

16 A. No.

17 Q. Prior to becoming TX-60, did you have any
18 experience in designing, evaluating, and modifying
19 policies to make sure that programs are competitive
20 and in compliance with legal requirements of the
21 United States or South Carolina?

22 A. No.

23 Q. Prior to becoming TX-60, did you have any
24 experience in obtaining cost-effective employee
25 serving benefits, monitoring national benefits

1 environment for options and cost savings in the
2 United States?

3 A. No.

4 Q. Prior to becoming TX-60, did you have any
5 experience in complying with all reporting
6 requirements of relevant government rules and
7 regulations, including ERISA?

8 A. No.

9 Q. Prior to becoming TX-60, did you have any
10 experience in leading competitive market research
11 to establish pay practices and pay bands that help
12 to recruit and retain top talent staff in either
13 the United States or South Carolina?

14 A. No.

15 Q. Prior to becoming TX-60, did you have any
16 experience in leading competitive market research
17 -- strike that.

18 Prior to becoming TX-60, did you have any
19 experience in contributing to the development of
20 new compensation strategies through creative input
21 combined with data analysis and a deep
22 understanding of the company's future challenges to
23 the extent it related to any compensation
24 strategies related to the United States or South
25 Carolina?

1 A. No.

2 Q. Are you a member of SHRM?

3 A. Yes. All TX-6 associates are.

4 Q. All what?

5 A. All TX-6 associates are.

6 Q. Okay. Do you have any SHRM certifications?

7 A. No.

8 Q. When did you become a member of SHRM?

9 A. After I took over TX-60, in the first few months.

10 I don't recall the exact date, but I think it was
11 May 2022.

12 Q. Do you have certifications from any other US HR
13 networks?

14 A. No.

15 Q. Are you a member of any other US HR networks?

16 A. No.

17 Q. What is ERISA?

18 A. It's Employment Retirement Income Security Act.

19 Q. Had you ever dealt with ERISA prior to becoming
20 TX-60 --

21 A. No.

22 Q. -- in Spartanburg?

23 A. No.

24 Q. You anticipated the question correctly, but just
25 let me finish it because she can only get one of us

1 down at the time.

2 A. I'm sorry.

3 Q. I appreciate it.

4 Have you had any experience dealing with OFCCP?

5 A. Yes.

6 Q. Okay. Did you have any experience dealing with
7 OFCCP prior to becoming TX-60?

8 A. No.

9 Q. Have you had any experience dealing with HIPAA?

10 A. No.

11 Q. Do you know what HIPAA is?

12 A. No.

13 Q. How are wages determined for employees in Germany?

14 MR. ELLISON: Object to the form.

15 You can answer, Eva.

16 EXAMINATION RESUMED

17 BY MR. MURPHY:

18 Q. Let me think about it for a minute.

19 A. I don't know how they are for Germany.

20 Q. I know. It was a stupid question. That's why you
21 don't know.

22 A. Okay.

23 Q. For BMW production employees in Germany, how are
24 their wages determined?

25 A. We have all production function graded based on the

1 letter, you just covered the ERA, and based on what
2 job they do. They get developed to this personal
3 grade, respective personal grade, and the personal
4 grade determines the payment.

5 Q. And who determines the payment that goes with a
6 personal grade?

7 A. The tariff contract. It's written in the tariff
8 contract.

9 Q. Okay. And who are the parties to the tariff
10 contract?

11 A. On the one side, the IG Metall. That's a union.
12 And on the other side, the company representatives
13 that are unionized with the IG Metall.

14 Q. Tell us how a Work Council works, what it does and
15 --

16 A. In Germany at the AG you mean?

17 Q. Yes.

18 A. Work Council has -- there is a law that determines
19 when a Work Council has to approve certain things.
20 Mostly, HR topics, but also company's general
21 decisions. For example, every transfer from one
22 shop to the other has to be approved by the Work
23 Council. Compensation changes have to be approved.
24 They have to be involved when we change shift
25 models, when we call off a shift. They are the

1 representative of the associate if there is. For
2 example, a performance issue and a discussion about
3 performance or disciplinary actions, they're
4 representative of the associates.

5 Q. Okay. And do the employees at BMW MC in
6 Spartanburg have any such representation?

7 MR. ELLISON: Object to the form.

8 You can answer.

9 THE DEPONENT: At BMW MC, we do have the associate
10 relations team that represents the interests of the
11 associates.

12 EXAMINATION RESUMED

13 BY MR. MURPHY:

14 Q. Okay. Who is the associate relations team?

15 A. It's part of TX-61.

16 Q. So you're talking about the organization in TX-61
17 represents associates?

18 A. They are the associate relations people. The
19 associates reach out to them. It's not an elected
20 council, like in Germany, but they represent the
21 interests of the associates in all regard to make
22 sure that we hear them, that they have a voice.

23 Q. Does anything need to be approved by them like it
24 has to be approved by Work Council in Germany?

25 A. No, not that I know of.

1 A. Yes.

2 Q. Who?

3 A. I mean, I assume there are. I don't see their
4 personal grades, but I assume that Dr. Engelhorn is
5 one, Sherry McCraw. Basically, the VPs.

6 Q. Okay. And who makes the OFK designation?

7 A. What is OFK designation? A promotion or --

8 Q. Who determines whether somebody is OFK?

9 A. I mean, in a definition, it's a personal grade 13
10 and higher. I don't know who is the definition of
11 an OFK. I don't know.

12 Q. Are individuals nominated for OFK?

13 A. In the performance evaluation assessment, the
14 annual one, a manager can nominate or recommend
15 people for the next level, for the next function
16 level, and there is a function level II or function
17 level I. If you are promoted to this position, you
18 eventually also will be promoted on a personal
19 grade level to an OFK.

20 Q. Okay. What personal grades fall within function
21 level II?

22 A. PG13 and PG14.

23 Q. Okay. What function levels fall within -- I'm
24 sorry. What personal grades fall within function
25 level III?

1 A. PG10 and PG11. Sorry. PG11 and PG12. Sorry.

2 Q. Okay. Function level IV?

3 A. Would be, at BMW MC, PG8, PG9, and PG10.

4 Q. Okay.

5 A. But you have to understand that grading the
6 function levels and the PGs are independent
7 structure, so there is no -- I mean, it's not
8 happening because you take over a function that the
9 PG has changed. It's a separate decision that is
10 also kicked off by your manager based on your
11 performance. So one doesn't necessarily mean the
12 other and the other way around.

13 Q. Are you aware of anyone ever going from a function
14 level IV position to OFK?

15 A. No, no. I have never heard or don't know a case
16 like this. No.

17 Q. Is there a validation process for going to function
18 level II?

19 A. I don't know, but I have heard that they have
20 changed the process, and I don't know if the change
21 is there is none anymore or if it's just a changed
22 process. I don't know.

23 Q. What do you understand the process to have been
24 before the change?

25 A. Before the change, there was a potential evaluation

1 A. Recruiting and temporary workforce steering was
2 moved to TX-66, newly created TX-66. Global
3 assignment was moved to TX62 as a new TX-621.

4 Q. Do you have any reason to believe that the
5 frequency with which you communicate with BMW
6 employees in Germany is any different than the
7 frequency with which Kelly Dawsey communicated with
8 the BMW employees in Germany when she was in TX-60?

9 A. No, because I don't know how frequently she talked
10 to them. I don't know.

11 Q. Okay. When you were in Germany, how frequently did
12 you communicate with Kelly Dawsey?

13 A. Zero. Never.

14 Q. You never communicated with her?

15 A. No. I've never talked to her before I came on my
16 look-and-see trip.

17 Q. Did you communicate with her by e-mail?

18 A. I mean, if I write an e-mail to the HR network
19 globally and a certain distribution list, it might
20 have been the case that she has received an e-mail
21 by me, but it was not an individual, one-on-one
22 communication or exchange. I cannot -- well, if
23 that's communication, there might have been one or
24 the other e-mail with a big HR network distribution
25 list that she has received as well because she has